

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| -----X | | |
| | : | |
| BARRY LANGSTON, | : | |
| | : | |
| Plaintiff, | : | |
| | : | 18 Civ. 8859 (LGS) |
| -against- | : | |
| | : | |
| S. BASTIAN, et al., | : | <u>ORDER</u> |
| | : | |
| Defendants. | : | |
| | : | |
| -----X | | |

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on February 13, 2020, the Court issued an Order directing Plaintiff to “file a letter with the Court stating whether he intends to continue to litigate this case.” ECF 66. The Order further provided that “[i]f Plaintiff fails to file a response with the Court, the Court may choose to dismiss this case for failure to prosecute.” *Id*;

WHEREAS, in determining whether to dismiss a case for failure to prosecute, the Court must consider “the duration of the Plaintiff’s failures, . . . whether Plaintiff had received notice that further delays would result in dismissal, . . . whether the defendant is likely to be prejudiced by further delay” and whether this sanction is appropriate in light of the circumstances. *Salem v. City of New York*, 16 Civ. 7562, 2017 WL 6021646, at *2 (S.D.N.Y. Dec. 4, 2017) (internal quotation omitted).

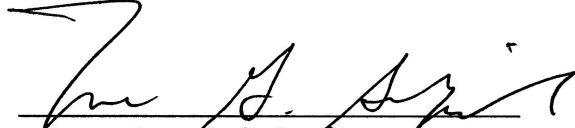
WHEREAS, Defendant filed a motion for summary judgment on September 26, 2019. ECF 54. Plaintiff failed to timely file a response to Defendant’s motion and failed to file a response after the deadline was adjourned.

WHEREAS, Plaintiff has not made any communications with the Court since appearing at a conference on September 5, 2019. It is hereby.

ORDERED that this case is DISMISSED for failure to prosecute. Defendants shall mail a copy of this Order to the pro se Plaintiff and provide evidence of sending this Order via mail to the pro se Plaintiff on the docket.

The Clerk of Court is respectfully directed to close this matter.

Dated: March 23, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE